

THIS REPORT CONTAINS ASSESSMENTS OF COMMODITY AND TRADE ISSUES MADE BY USDA STAFF AND NOT NECESSARILY STATEMENTS OF OFFICIAL U.S. GOVERNMENT POLICY

Voluntary Public

Date: 10/18/2010

GAIN Report Number: MX0076

Mexico

Post: Mexico

New Mexican Regulation for Milk and Milk Products

Report Categories:

Dairy and Products

Food Processing Ingredients Sector

HRI Food Service Sector

Policy and Program Announcements

Retail Food Sector

Sanitary/Phytosanitary/Food Safety

Trade Policy Monitoring

Approved By:

Carlos Gonzalez

Prepared By:

Gabriel Hernandez, Zaida San Juan, Daniel R. Williams II

Report Highlights:

The Mexican Government published a new regulation (NOM- 243) that establishes the sanitary and nutritional requirements for milk, milk formula, combined milk products and dairy products that are produced or imported into Mexico.

Executive Summary:

On September 27, 2010, the Secretariat of Health (SALUD) published in the *Diario Oficial* (Federal Register) the Mexican regulation NOM-243-SSA1-2010 “Milk, milk formula, combined milk products and dairy products. Requirements and sanitary specifications. Testing methods.” (Spanish: *NORMA Oficial Mexicana NOM-243-SSA1-2010, Productos y servicios. Leche, fórmula láctea, producto lácteo combinado y derivados lácteos. Disposiciones y especificaciones sanitarias. Métodos de prueba* or NOM-243).

The objective of this new regulation is to establish the sanitary and nutritional requirements for milk, milk formula, combined milk products and dairy products. This regulation will be effective as of November 26, 2010, except sections 6.1.5.5 and 6.1.5.5.1, which will be effective as of September 27, 2011.

This new NOM eliminates five regulations, but most importantly it establishes the Mexican range for vitamin D (200-300 IU/L, International Unit per liter) allowed in milk, milk formula and combined milk and dairy products.

General Information:**Disclaimer:**

This summary is based on a cursory review of subject an announcement and therefore should not, under any circumstances, be viewed as a definitive reading of the regulations in question, or of its implications for U.S. agricultural export trade interests. In the event of discrepancies between this summary and the complete regulation or announcement as published in Spanish, the latter shall prevail.

Title: Mexican Official Regulation NOM-243-SSA1-2010, “Milk, milk formula, combined milk products and dairy products. Requirements and sanitary specifications. Testing methods.” (Spanish: *NORMA Oficial Mexicana NOM-243-SSA1-2010, Productos y servicios. Leche, fórmula láctea, producto lácteo combinado y derivados lácteos. Disposiciones y especificaciones sanitarias. Métodos de prueba.*)

Type of Regulation: Final Rule

Important Dates

1. **Publication Date:** September 27, 2010.
2. **Effective Date:** November 26, 2010. Except for sections 6.1.5.5 and 6.1.5.5.1 which will be effective on September 27, 2011.

Products Affected: All domestically-produced and imported milk, milk formula, combined milk and dairy products.

Regulating Authority: Secretariat of Health (SALUD)

On September 27, 2010, the Secretariat of Health (SALUD) published in the Federal Register the Mexican regulation NOM-243-SSA1-2010 “Milk, milk formula, combined milk products and dairy products. Requirements and sanitary specifications. Testing methods.” (Spanish: *NORMA Oficial Mexicana NOM-243-SSA1-2010, Productos y servicios. Leche, fórmula láctea, producto lácteo combinado y derivados lácteos. Disposiciones y especificaciones sanitarias. Métodos de prueba.*)

The objective of this new regulation is to establish the sanitary and nutritional requirements for milk, milk formula, combined milk and dairy products. This regulation will be effective as of November 26, 2010, except sections 6.1.5.5 and 6.1.5.5.1, which will be effective as of September 27, 2011.

For this NOM, the main objectives are the establishment of maximum limits for food additives, enzymes or microorganisms’ culture, flavoring agents, sweeteners, preservatives, and test methods.

More important, however, is the establishment of the range for vitamin D (200-300 IU/L) and retinol (1033-2233IU/L) allowed in milk, milk formula, combined milk products and dairy products.

Furthermore, a moisture level for dried dairy products of no more than 4 percent was established.

Sections 6.1.5.5 and 6.1.5.5.1 will become effective as of September 27, 2011. These sections address heat treatment requirements and the need for HACCP plans for dairy processors. By delaying implementation, SALUD is providing the dairy processing sector additional time to comply with these new requirements.

When NOM-243 is effective, the following NOMs will be canceled

- NOM-035-SSA1-1993, Goods and services. Whey cheeses. Sanitary specifications as published January 30, 1995.
- NOM-036-SSA1-1993, Goods and services. Ice creams of cream, of milk or fat plant, sherbets and conditions or mixtures for ice creams. Sanitary specifications as published March 10, 1995.
- NOM-121-SSA1-1994, Goods and services. Cheeses: fresh, matured and processed. Sanitary Specifications as published February 23, 1996.
- NOM-184-SSA1-2002, Products and services. Milk, milk formula and combined dairy products. Sanitary specifications, as published October 23, 2002.
- NOM-185-SSA1-2002, Products and services. Butter, creams, sweetened condensed milk product, fermented and acidified milk products, milk-based sweets. Sanitary specifications, as published October 16, 2002.

Background

The Secretariat of Health (SALUD) first published the draft proposal on June 23, 2008, and established a 60-day comment period. On July 23, 2010, SALUD published its response to the comments. The objective of this new regulation is to establish the sanitary and nutritional requirements for milk, milk formula, combined milk and dairy products within the Mexican dairy market.

The draft proposal published on June 23, 2008, established sanitary and nutrient specifications for milk, milk formula, combined milk and dairy products if these products were to be marketed within Mexico. Moreover, this draft proposal proposed the establishment of a range for Vitamin D (200-300 IU/L) for milk, milk formula and combined milk and dairy products. However, this proposed range is not consistent with the range established within the United States (a minimum of 400 IU). For all intents and purposes, this proposed range could halt the exports of U.S. fluid milk to Mexico. Given this fact, the United States dairy industry established a technical working group to collaborate with officials from SALUD to reach a compromise. Unfortunately, a compromise could not be reached on this topic.

On July 23, 2010, SALUD published a response to comments received to the draft proposal. This response stated SALUD would not compromise on the range for Vitamin D. On September 27, 2010, the final rule was published and will become effective on November 26, 2010.

FAS-Mexico Assessment: According to industry sources, the implementation of NOM-243-SSA1-2010 is SALUD's attempt to guarantee the availability of safe and healthy milk, milk formula, combined milk and dairy products for the Mexican consumers. Moreover, the requirements of this new NOM are not foreseen to have a significant impact on trade. This is a change in perception from when the original draft was published. Industry sources believe that U.S. fluid milk exporters have the ability to modify production lines in order to produce fluid milk product which complies with the Mexican law and will not affect the production of milk products for the U.S. market. In addition, SALUD believe this new NOM helps align Mexican dairy regulations with international standards, such as CODEX Alimentarius.

For More Information

FAS/Mexico Web Site: We are available at www.mexico-usda.com or visit the FAS headquarters' home page at www.fas.usda.gov for a complete selection of FAS worldwide agricultural reporting.

FAS/Mexico YouTube Channel: Catch the latest videos of FAS Mexico at work
<http://www.youtube.com/user/ATOMexicoCity>

Other Relevant Reports Submitted by FAS/Mexico:

Report Number	Subject	Date Submitted
MX0015	MX Announces the 2010 TRQ for Milk Powder Imports for WTO Member countries	3/12/10
MX0016	MX Announces TRQ for M Dairy Preparations	3/12/10
MX0020	NOM 51 Labeling Requirements	4/9/10
MX0034	Dairy and Products Semiannual	05/13/10
MX0054	Mexico Increases Trucking Retaliation Against Ag Products	08/18/10
MX0075	Dairy and Product Annual	10/18/10

Useful Mexican Web Sites: Mexico's equivalent to the U.S. Department of Agriculture (SAGARPA) can be found at www.sagarpa.gob.mx and Mexico's equivalent to the U.S. Food and Drug Administration (SALUD) can be found at www.salud.gob.mx. These web sites are mentioned for the readers' convenience but USDA does NOT in any way endorse, guarantee the accuracy of, or necessarily concur with, the information contained on the mentioned sites.